

CLARK REPORTING (510) 486-0700

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SCOPING MEETING

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FOR PREPARATION OF A

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DRAFT, TIERED ENVIRONMENTAL IMPACT REPORT

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BUILDING 49 - OFFICE BUILDING

8

and

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G - 4 PARKING LOT

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LAWRENCE BERKELEY NATIONAL LABORATORY

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North Berkeley Senior Center

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June 30th, 2003

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REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY: JUDY LARRABEE, SHORTHAND REPORTER

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1 PROCEEDINGS

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3 MS. POWELL: Good evening. I'm Terry Powell
4 I'm the Community Relations Officer at the Lab. I want
5 to welcome you. Thank you for coming tonight to the
6 scoping meeting for the preparation of our Draft Tiered
7 Environmental Impact Report on the Lab's proposed
8 Building 49 and G-4 Parking Lot.

9 The purpose of tonight's meeting is to briefly
10 describe our project, and for Berkeley Lab to hear and
11 collect your comments and issues, issues you may want to
12 raise regarding the proposed project, the scope of the
13 environmental analysis and the project's California
14 Environmental Quality Act process.

15 The agenda includes five items. If you did not get
16 an agenda, they're in the back of the room. This is the
17 introduction; a discussion of the Lab's purpose and
18 needs by George Reyes, who is the Division Director for
19 our Facilities Division at Berkeley Lab; the project
20 description by Dave Tudor, who is our Project Manager on
21 this project, and the environmental review process by
22 Jeff Philliber, sitting over here with our Environmental
23 Planning Group Coordinator. And then we'll take
24 questions and comments.

25 We have advertised this meeting in the papers to

1 begin at 6:30 and to last until 9:00 p.m. if we would
2 like to. It may be that we'll not have anything left to
3 say after about 8:00 o'clock, and that's fine too. But
4 in the event that there was a large group of people, we
5 might limit speakers to three to five minutes. That
6 doesn't appear to be the case. So the meeting may end
7 prior to 9:00 o'clock.

8 Comments may also be sent via E-mail, fax, or in
9 written letter to Jeff Philliber. There is specific
10 information to mail to him. If you do want to make
11 comments, there are comment cards in a salmon color.
12 And if you turn them over on the backside, you'll see
13 Jeff's address on them. In addition, the front side
14 lists his contact information.

15 Now, there are some materials in the back for you.
16 The agenda, a fact sheet, some other items, and the
17 comment cards. There are also some cookies and some
18 soft drinks and water if you get thirsty tonight. If
19 you need to use the bathroom facilities, they're out the
20 door and just down the hallway here on the right. And
21 finally, if you're interested in a tour of the site,
22 please make sure you sign in on the sign-in sheet and
23 let me know at the end of the meeting, and we'll set up
24 a time for the site tour if you'd like.

25 And now I'd like to introduce George Reyes, our

1 Facilities Division Director, to start the program.

2 MR. REYES: Thank you, Terry. Good evening.

3 I am George Reyes. As Terry said, I'm the Director of
4 the Facilities Division at the Berkeley Lab. And it's
5 my pleasure to introduce the Building 49 Project and
6 provide a brief overview of how the project contributes
7 to the research mission of the Laboratory.

8 The Berkeley Lab aspires to continue its role as a
9 world-class research institution between cutting-edge
10 scientific investigations and advancing the frontiers of
11 science. In accomplishing this, there is -- I think we
12 have the wrong slide. I think that's all right. Can
13 you go to the next slide?

14 In accomplishing this, there is a focused research
15 area within the laboratory. Starting at the very top,
16 we have a fundamental understanding of the universe.
17 And this relates to the acknowledgement of dark energy's
18 component within the universe and our search to
19 understand those components.

20 Then down on the far right, quantitative biology,
21 which is a key factor within our life sciences, and also
22 involves genomics. And we have exciting work to be done
23 in the future with exploring partnerships with other
24 universities' biotech to try to uncover some of the
25 answers to significant world problems such as breast

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1 cancer.

2 We have the Nanoscience Research area, which

3 includes the Molecular Foundry Program and the other
4 Chemical Sciences and Material Sciences Program. The
5 new Energy Systems and Environmental Solutions is part
6 of our Environmental Energy Technologies Group, which of
7 course is a world leader in providing clean
8 environmental and energy-saving research for both the
9 public and private sector.

10 Integrated Computing is a tool for discovery. As
11 you probably know, the Berkeley Lab has the world's most
12 powerful and fastest unclassified computer in the Earth
13 Sciences facility. So those are some of the primary
14 research areas within the Lab. You can go back to the
15 first slide, if you would please.

16 Now, within this, we function within some primary
17 scientific roles. I mentioned the world-class
18 institutional role. But the team science role is a key
19 component of the Laboratory's mission. And by that, we
20 seek to address large-scale problems by teaming with
21 other disciplines in a collaborative environment to
22 solve these problems. And these involve other
23 institutions; universities, public and private;
24 industrial sectors, all working together in a
25 collaborative environment to solve these problems.

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1 Another component is providing national user
2 facilities. These are international users who share in
3 the research facilities such as the Advanced Light

4 Source, the super computing facility, and the molecular
5 foundry once it's completed.

6 And then lastly but certainly not least is our role
7 of educating future generations of scientists. And
8 indeed, 25 percent of the research done at the
9 Laboratory is done by graduate students and
10 post-doctoral candidates.

11 Some current facts about the Berkeley Lab. On any
12 given day, we have approximately 4,000 employees and
13 2,000 guests at the lab. There is approximately 100
14 buildings and 50 trailers that are located across a
15 200-acre site. And we have an annual operating budget
16 of approximately \$450 million.

17 Now, while the scientific visions that I outlined
18 in these statistics are quite impressive, we have the
19 reality of the fact that our staff has lived with
20 increasingly tight working conditions in rapidly-aging
21 facilities. Many of the buildings on the laboratory are
22 from the 40s and 50s, and as the science continues to
23 grow and the staff has had to dwell within these
24 facilities to do their world-class research in somewhat
25 aging buildings, many workers have had to double up in

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1 work spaces. We have some offices and work areas that
2 are originally designed for one and two people. We may
3 have as many as four and five and six people in there.
4 So we try to squeeze as much as we can out of the

5 available work space, but as we redesign cubicles and
6 workspace, we've fallen behind the federally-established
7 standards for square foot per worker.

8 The Building 49 Project offers us an opportunity to
9 provide critically needed office space, to begin the
10 process of relieving these overcrowded conditions. This
11 building will be a new state-of-the-art facility, an
12 office building to provide a work and meeting space for
13 240 existing Berkeley Lab employees. This has been made
14 possible by a lease arrangement wherein a third-party
15 developer will bear the financial burden of actually
16 constructing this, rather than using taxpayer funds.

17 We have many reasons to be pleased about this
18 project. First of all, the building will be built to
19 the highest environmental and safety standards.

20 Secondly, by coupling the building with the
21 separate proposal to provide much-needed parking spaces in
22 the vicinity of Building 70, we will avoid sending
23 thousands of truckloads of excavation spoils through the
24 city streets of Berkeley, which is critically important
25 to us.

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1 As I mentioned earlier, the building will reduce
2 the overcrowding and provide a more positive work
3 environment for our staff.

4 The other point is that because we're using this
5 building to address the overcrowding, we can meet the

6 needs of our own staff while not increasing the traffic
7 and utility burden on the streets and infrastructure of
8 the city.

9 In closing, let me say that the Berkeley Lab
10 remains committed to sustaining an open line of
11 communication with the City and with the community, and
12 your input is critically important in the successful
13 analysis of this building project. And I encourage you
14 to participate fully in the process both tonight and in
15 the upcoming months. Thank you.

16 MS. POWELL: Now we're going to hear from Dave
17 Tudor, who is our Project Manager for the building
18 project.

19 MR. TUDOR: Hi. My name is Dave Tudor. I'm
20 the Berkeley Lab Manager for Design and Construction of
21 the building of the parking lot.

22 This is a prospective drawing of the building that
23 is intended to show the building form. The architect
24 that did it put some sort of glitzy stuff in there that
25 may distract you from the reality of the site because

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1 actually this is a hillside. There is vegetation and
2 trees that are on the site. You don't really see them.
3 They'll be there after the building is constructed.

4 The building is a simple office building. We have
5 both an area map and a location map to give you a good
6 idea of where the building is actually located. Right

7 here, you see this is the campus up here, and this is
8 the Lab up here. You can see some of the predominant
9 geographical features. The football stadium right here;
10 Greek Theater right here. The entrance to the Lab, the
11 main entrance to the Lab is Blackberry Gate. You come
12 up First Avenue which becomes Cyclotron Road and go
13 around a horseshoe curve and the project is right here
14 in this area.

15 The next slide is a location map that preloads in
16 closely on where the location is. Down here in the
17 corner is the Greek Theater. This is Cyclotron Road as
18 it comes up and you go around a horseshoe curve and you
19 come through our main gate, and this is the area that
20 the building will be built in. This is the area over
21 here where the parking lot will be built. It's east of
22 Building 70 and south of the existing cafeteria.

23 Next slide. We have a building section, and the
24 reason that we're showing this, this is essentially a
25 four-story building, four full stories. We have one

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1 through four right in here. And on top of that, there's
2 a partial fifth floor which has meeting rooms, and below
3 that there is a partial floor which is an entry level,
4 and it has some other administrative functions. So it
5 has four full floors and two partial floors. And the
6 reason for that is it fits into the hillside which is
7 not drawn here. The hillside sort of comes down this

8 way. So it fits into the hillside in order to give it
9 the least massive effect that we can.

10 The purpose of the building, as George pointed out,
11 is to relieve overcrowding and existing conditions in
12 the building. The building will have space for
13 approximately 240 work stations, and about a 65,000
14 square foot building. The people that occupy the
15 building will be administrative and office functions
16 that will be in support of research programs. There
17 will be no laboratory usage of the building or related
18 laboratory usage.

19 The land that the building is built on is owned by
20 the University of California, and it will be leased to a
21 developer on a 30 year lease. The developer will sign,
22 build, own and manage the building during this lease
23 period, and he will lease it back to the University of
24 California for LBL annual occupancy. So that's the
25 legal and lease arrangement of it.

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1 The building characteristics is -- you can't see it
2 too well here -- but essentially, the building will be
3 sheathed in a combination of metal and glass panels
4 which will be low-reflectivity, low-glare finishes. The
5 building will be built, as mentioned by George, to very
6 high energy standards and low maintenance standards and
7 designed to be what's now being called the LEEDS
8 Criteria, and this will be a LEED'S silver

9 classification.

10 The parking lot is outlined here in this dark blue
11 line. Again to orient you a little bit, there's a
12 horseshoe curve right up here, and we have the parking
13 lot right in here. Initially, the parking lot will be
14 the size of 31,000 square feet and have spaces for about
15 95 cars. The parking lot has an expansion potential,
16 and in the future, it will be designed to expand to
17 approximately 39,000 square feet and 120 cars.

18 The lower and the upper slopes will be vegetated.
19 And there are some trees on the site right now, a small
20 number of trees, and we're working on figuring out ways
21 of actually relocating, digging them up and keeping them
22 during construction and then replanting them as well as
23 replanting new trees and vegetation.

24 The project schedule for design and construction is
25 that we're planning on doing final design in the Spring

12

CLARK REPORTING (510) 486-0700

1 of 2004, beginning construction in the same timeframe
2 Spring of '04. And we hope to move in in the Fall of
3 2005.

4 MS. POWELL: Thank you, Dave. Now you're
5 going to hear from the environmental team. This is Jeff
6 Philliber, the Environmental Planning Group Coordinator
7 at the lab.

8 MR. PHILLIBER: Hi. I'm Jeff Philliber. I'm
9 the Environmental Planning Group Coordinator for

10 Berkeley Lab as Terry just mentioned. Our group is
11 housed in the Facilities Planning Department, which is
12 part of the Facilities Division of the Lab.

13 I'm here to talk about the Focused, Tiered
14 Environmental Impact Report that the Lab will be
15 preparing for this project. Just a couple of acronyms
16 that I'll probably be using in spite of my best efforts
17 are up here. NOP is Notice of Preparation, which is the
18 document hopefully most of you received. If you haven't
19 there's copies at the back table. We also have access
20 to it online as well as through some other sources which
21 we'll talk about in a second.

22 The Notice of Preparation is just a brief
23 description of the project and the environmental
24 elements of the upcoming EIR that are just to alert you
25 and to allow you to give us feedback for our analysis

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1 as to your concerns about this project and your
2 thoughts.

3 Environmental Impact Report or EIR. Most people
4 are familiar with that term. Stop me if anyone wants to
5 talk about that. And CEQA is the body of California
6 state regulations that drive the Environmental Impact
7 Report process, and I'll just use the term CEQA instead
8 of California Environmental Quality Act.

9 So we've used the term Focused and Tiered to
10 describe this EIR, and I'm just going to explain briefly

11 what those two terms mean. In the Focused EIR, we'll be
12 looking at those issues which are pertinent to this
13 project. We'll be focusing out pursuant to CEQA
14 those issues for which this project won't have any
15 interplay.

16 In this case, we'll be doing a full EIR with the
17 exception of four topic areas as mentioned in the Notice
18 of Preparation. Those will include agricultural
19 resources because there are no agriculturally used lands
20 at Berkeley Lab.

21 Mineral resources is the same situation. We don't
22 have any sort of mining or mineral resource extraction
23 at the lab.

24 For both population and housing and recreation,
25 we're focusing those out because this project is not

14

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1 going to increase or change the rate of growth in the
2 lab. It's not going to bring now people to the Lab.
3 Therefore, it won't have a bearing on these two issue
4 areas. So those are the issues that we're focusing out.
5 We'll actually speak a little bit later about the issues
6 that we will be concentrating on.

7 For tiering, CEQA allows -- and the University of
8 California requires -- that Environmental Impact Reports
9 for specific projects like this, that they be tiered off
10 of programmatic framework documents. In this case, the
11 UC campuses have Long-Range Development Plans (EIRs) on

12 record, and those are the documents from which we must
13 tier specific projects like this.

14 And what that basically means is we have a
15 reference document upon which this project should be
16 consistent. We also have a set of mitigation measures
17 that govern all of our activities in the Lab in the LRDP
18 EIR, and those must be adhered to as well in the
19 specific project EIR we'll be doing.

20 In this case, we have a 1987 Long-Range Development
21 Plan EIR as our current LRDP and EIR. Those documents
22 were, at least the EIR, updated in 1992 in a
23 supplemental EIR, and again in 1997, an addendum to the
24 supplemental EIR. All those documents are available in
25 our repository at the Berkeley Public Library as well as

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1 here tonight.

2 MS. POWELL: Over on the table to the right of
3 the podium.

4 MR. PHILLIBER: So our rough schedule is as
5 follows: On June 16 we issued a Notice of Preparation.
6 The comment period for receiving your scoping comments
7 is from June 16 until July 18. Today, of course, is the
8 scoping meeting. We are planning to circulate the draft
9 EIR for public review in the August/September months.
10 It will a 45-day comment period. During that 45-day
11 comment period -- probably in the latter half of that --
12 we will hold a public hearing. The final EIR will be in the

13 winter months of 2003/2004. So sometime in December,
14 January. (inaudible)

15 This won't be a public circulation, so actually
16 we'll be adhering to the Regent's schedule. We will
17 submit -- we're planning to submit the final EIR to the
18 Regents. Following that schedule, we would begin
19 construction for eight months, 2004, and finally we
20 would have the building completed and people moving in
21 in the Fall of 2005.

22 So we discussed the issues that we'll be focusing
23 out of the EIR. Before you are the issues that we'll
24 actually be concentrating on, and a bit of a hierarchy
25 of which issues in particular we really want to pay

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1 close attention to for this particular EIR.

2 As you can see in this graphic, the white are the
3 issues focused out; the green are the issues that we'll
4 be analyzing, and the red are the issues that we'll be
5 analyzing in very close detail.

6 Just briefly to cover the issues we'll be analyzing
7 in greatest detail: We'll be looking at aesthetics.
8 We'll include visual simulations in this EIR. We want
9 to know, as do you, what these buildings are going to
10 look like and the parking lot in the context of the
11 environment in which they're going.

12 We're looking at biological resources. We
13 understand that we're putting facilities on areas that

14 currently don't have facilities, and they'll be a
15 removal of vegetation which will require that we have
16 certified biologists going out to the field to
17 investigate, to see what sorts of biological resources
18 we do have there.

19 Both of these building sites are on slopes, which
20 means, of course, that they both drain water from uphill
21 to downhill. So there will be hydrological issues that
22 we need to look at. In particular, the parking lot has
23 an area that drains water during the rainy season that
24 may be jurisdictional waters, which means that,
25 according to the Clean Water Act, the US Army Corp of

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1 Engineers as well at the San Francisco Regional Water
2 Quality Control Board and the US Department of Fish and
3 Game, they need to be involved to issue permits or
4 agreements with us in order to allow us to build that
5 area. So we are currently engaging with those agencies.
6 We're exploring these issues with them, and we're going
7 through the correct process. And we will have this
8 detailed in the EIR.

9 Noise from this project would be generally a
10 construction-related impact. We recognize that both of
11 these project sites that comprise this project are in
12 somewhat close proximity to non-LBNL uses, particularly
13 the university but also some residential neighborhoods.
14 We want to do some noise testing to see what the

15 possible impacts could be from construction noise.

16 Geology and soils we recognize are important.

17 Again, these are sloped sites. These are hillsides. We
18 want to learn about the slopes' stability and
19 geotechnical feasibility issues that are going to come
20 with this project. We also, of course, recognize that
21 any building in this area is in somewhat close proximity
22 to the Hayward Fault. So again, we'll be concentrating
23 on this issue.

24 And finally, we will looking particularly closely
25 at land use. Again, we'll be changing the actual use of

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1 the lands, the immediate vicinity of these sites, which
2 are both currently not developed. We want to look again
3 closely at what changing the use on those lands, what
4 effects that might have, both to the project sites
5 themselves as well as to adjacent land uses.

6 As far as the other issues, we will be doing
7 appropriate analyses of those other issues as required
8 by CEQA as detailed or as mentioned in our Notice of
9 Preparation.

10 So finally just so reiterate, we want to hear your
11 thoughts on this project. The best way to do it is to
12 write a letter. You can also fax or E-mail us. You can
13 send it care of me at this address, and this address is
14 repeated several times, both in our advertisements as
15 well as the NOP as well as some of the handouts tonight.

16 You can also fill out a card and send it in. We have a
17 court reporter who is going to take your comments
18 tonight as well if you want to put some verbal comments
19 in this project.

20 The NOP is also available online. This URL, we
21 have that listed, so you don't have to write this down.
22 That's it. Thank you.

23 MS. POWELL: We'll entertain questions now.
24 You don't need to fill out a card to ask a question.
25 Jeff will pretty much be responsible for answering the

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1 questions related to the environmental process, or we'll
2 field and direct them to Dave Tudor for the project, the
3 building-related questions.

4 MS. THOMPSON: My name is Daniella Thompson.
5 My first question deals not just with this project, so I
6 hope you'll bear with me, because I'm somewhat puzzled,
7 and they would like to see you going through this EIR
8 process. What I fail to understand is why the molecular
9 foundry, which is a building no smaller than this and
10 probably larger and perhaps has more effects on the
11 environment, is not going through this process. Can you
12 please explain?

13 MR. PHILLIBER: Thanks, Ms. Thompson. Sure.
14 The question in general is how do we contrast this to
15 the molecular foundry, which under CEQA received a
16 review and an initial study--Negative Declaration

17 level, whereas this project is getting an Environmental
18 Impact Report which is a higher level of review under
19 CEQA. It's a good question.

20 The main difference under CEQA for what triggers an
21 EIR as opposed to what triggers a negative declaration
22 is a negative declaration is a project of some magnitude
23 that doesn't trigger a significant impact that cannot
24 be mitigated, again, pursuant to CEQA definitions of
25 those terms. In the case of the molecular foundry, we

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1 didn't have -- and I think the process bore this out -- that
2 we did not have a significant impact that could not
3 mitigated.

4 We had two potentially significant impacts that
5 required mitigation. One was we were fairly close to a
6 critical habitat area for the Alameda Whipsnake. We had
7 biologists come in and make some recommendations about
8 certain construction procedures we could do that would
9 give them a pretty strong assurance that we would avoid
10 any possible whipsnakes. So we incorporated that into
11 the project.

12 As well, we didn't have a cultural resources
13 mitigation measure in our LRDP EIR, which is something
14 that we did incorporate into this molecular foundry
15 project, and that was on the off chance we were to
16 unearth some sort of archeological material in the
17 course of excavation, that we would stop work and notify

18 a qualified archaeologist or culture resources
19 specialist to come in and basically direct what would
20 happen next. They would notify the appropriate agencies
21 and that sort of that thing.

22 So with the exception of those two potentially
23 significant impacts, the molecular foundry analysis
24 showed -- and again, we've embedded this through the
25 comments and responses of the public -- and we included

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1 every response in the final document that went to the
2 Regents -- We didn't have any significant impacts.

3 With this project, we don't know of any significant
4 impacts, or particularly unmitigatable significant
5 impacts that we might encounter. However, there's a
6 little less certainty to us for a couple of reasons.
7 One is this project is not taking place on one site;
8 it's taking place on two sites. While we're fairly
9 certain that the building site, Building 49, is a
10 fairly -- it's a fairly innocuous project on that site
11 -- we're less certain about what the impacts could be on
12 the parking lot portion of this project. We're a little
13 less familiar with that area.

14 We're also in less familiar territory dealing with
15 some of these agencies that we're now entering into this
16 permitting process with, the US Army Corp of Engineers and
17 the other agencies. So we're less certain that we can
18 make the statement that we are really confident we're

19 not going to be able to go through this process and not
20 come out with a significant impact in the end.

21 Finally, I think one other key difference is the
22 molecular foundry took place about a third of a mile
23 away from the nearest residential areas. So again,
24 noise construction impacts. This was shown by the Noise
25 Analysis that was done, but we didn't have a threshold

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1 impact. We didn't have anything remotely violating, for
2 example, Berkeley Noise Ordinance levels from our
3 construction projections.

4 Here we're closer to the public, so we're more
5 concerned that until we actually do the noise metering
6 testing, we don't know. And so we want to make sure
7 that we go through the process, do the noise metering,
8 find out what the impacts are. If it is significant,
9 we're going to say it's significant, and we're going to
10 be glad that we did an EIR.

11 MS. THOMAS: How close is the nearest
12 neighborhood to either of the two construction sites of
13 this project?

14 MR. PHILLIBER: It's a good question. I don't
15 know. I haven't measured it.

16 MS. BLUM: My name is Abbe Blum, and I'm the
17 Program Director of the Nyngma Institute. And I bet I'm
18 your closest neighbor, aside from the dorms that are
19 across from you. What would be really helpful -- I

20 don't know if it's the time for it -- if you could put
21 the map up, and then show us where it is in relation to
22 the view, then we could tell you how close we are.

23 MR. PHILLIBER: The situation with noise
24 that's particularly interesting about this project --
25 again, probably more so now for the building than the

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1 parking lot -- the short answer is we're going to cover
2 all of this in the report, and that's why we have
3 professional consultants that are going to look at this.

4 But just to give a little bit of information on
5 this type of thing that makes it a sophisticated
6 analysis as opposed to an easy, thumbnail analysis is
7 the thumbnail analysis for noise is every time you
8 double distance from a noise source, you drop a certain
9 decibel level, like six decibels, that sort of thing.

10 In this case, you have intervening terrain; you
11 have intervening vegetation, and we have intervening
12 buildings. So we don't know -- we're pretty sure that
13 the dropoff is going to be greater than just the normal
14 noise attenuation for a distance relationship. We don't
15 know what it could be, and no one could predict that.
16 We just have to do a noise metering test just to see
17 what kind of dropoff we get.

18 MS. BLUM: Do you count the truck noise that's
19 coming up -- will it all come up Hearst? Is that the
20 Main --

21 MR. PHILLIBER: The construction truck noise?
22 MS. BLUM: Yeah.
23 MR. PHILLIBER: Yeah. That would be -- we'll
24 consider the construction truck noise. One thing to
25 keep in mind is there is a relatively high ambient noise

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1 impact along that road in its normal course of operation
2 because we have buses running every ten minutes, diesel
3 trucks, all that sort of thing, motorcycles. Probably
4 the construction truck noise won't be the biggest
5 element of concern. It will probably be construction
6 activities on the site itself. And again, that's
7 something we'll going to have to look for in the
8 analysis.

9 MS. THOMAS: Just a quick follow-up question.
10 It's hard for me to let go of the foundry based on your
11 answer. For example, the noise analysis in the foundry
12 there was no acoustical -- there was no canyon
13 acoustical analysis. That was impacted in. You said a
14 third of a mile, but the dynamics of the canyon really
15 weren't factored in.

16 Likewise, with this project you mentioned
17 intervening terrain. But I just want to be challenging
18 of how you do your noise analysis. Because I found the
19 ones for the foundry to be completely inadequate. As
20 well as the process for the foundry was so inadequate
21 that several months after the comment period was closed,

22 I felt like I finally understood what the project was
23 and could have reasonably commented.

24 MR. PHILLIBER: Again, we'll probably not talk
25 too much about the foundry tonight. But the reason that

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1 we didn't factor the canyon into the noise analysis
2 Per se was because we didn't do a theoretical analysis.
3 We did a practical analysis. We actually took the noise
4 source. We went with three different representative
5 noise receptors in the neighborhood. The experts
6 considered that to be representative and that's what we
7 went with.

8 If I can just say, Miss Thomas, this is excellent
9 opportunity for you to tell us what you think we did
10 wrong and what you think we can do to make this one
11 right. Give that to us before the end of this scoping
12 period, and then we can consider that as we do our
13 analysis. That's what this process is.

14 MS. THOMAS: That's great.

15 MS. BERNARDI: Jean Bernardi. I'd like to
16 point out that there are some similarities I believe
17 between this project, Building 49, and the molecular
18 foundry. I don't think that you emphasized -- at least
19 I didn't hear it -- that this involves a stream bed
20 alteration. And isn't that the reason why the Water
21 Resources Board, the Fish and Game, and all those other
22 public agencies have to come in? And isn't it perhaps

23 because all those agencies are coming in and you're
24 doing an EIR in this case and not that of the molecular
25 foundry?

26

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1 I would like to point out that the molecular
2 foundry is very close to creeks, too. And I think for
3 that reason it also should have an EIR. There's the
4 No-Name Creek and the Chicken Creek, and they're both
5 tributaries of the Strawberry Creek. So these things
6 all affect the Stawberry Canyon Watershed.

7 I have some other questions still.

8 MR. PHILLIBER: Would you like me to take the
9 first one before we move on?

10 MS. BERNARDI: Yeah. Did I actually ask a
11 question?

12 MR. PHILLIBER: Go ahead.

13 MS. BERNARDI: I'm really appalled at the fact
14 that you're going to create this huge parking lot which
15 is actually going to hold 120 cars. You talked about
16 one of your goals being -- or you're whatever -- a new
17 energy system and environmental solutions. And it seems
18 that that's just the opposite of the direction we should
19 be going in, unless you're providing vegetable
20 oil-powered cars to your employees. But that won't cut
21 down on the effect it's going to have on our streets.
22 Traffic wise, we've got enough cars up there already.

23 Just from the construction itself, the truck going

24 up and down Hearst and so on, they just mess up that
25 street. So there's all that noise and construction, and

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1 then afterwards we're going to have all these cars in
2 addition to what we already have coming up to that
3 parking lot. That doesn't seem like a very energy-wise
4 kind of direction for the Department of Energy to be
5 going in.

6 I'd like to know why there is no statement under
7 the National Environmental Policy Act. You're working
8 on a new Long-Range Development Plan. It would seem
9 that you ought to be tiering this off of that and not an
10 1987\LRDP.

11 And then will there be an official public hearing
12 after the Draft EIR is ready? Thank you.

13 MR. PHILLIBER: Sure. Again, I should
14 probably not spend too much time going into details
15 about each issue because this really is an opportunity
16 for us to hear from you again and what your concerns are
17 so that we can best address them in the EIR. However,
18 just to see if I can not have you leave tonight without
19 feeling like you heard something from us, while I didn't
20 mention the Stream Bed Alterations Permit possibility
21 specifically, I did mention that we are undergoing the
22 process that includes the California Department of Fish
23 and Game which would issue an agreement on stream bed
24 alteration, if it were necessary. And that's what we're

25 doing right now. That's what we mentioned in the

28

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1 earlier description of the process we're undertaking.

2 And yes, there is, as I mentioned, a drainage on
3 the site that might be considered jurisdictional waters
4 under the Clean Water Act, something that we'll again --
5 we're going through a process through the US Army Corp
6 of Engineers, the San Francisco Regional Quality Control
7 Board, and again the California Department of Fish and
8 Game. And I don't believe we're trying to hide the fact
9 that we're exploring that with these agencies.

10 What I'm not saying right now is that we know for
11 sure exactly what ruling the agencies will make; what
12 determination they'll find with this area and with this
13 drainage, whether it is jurisdictional waters or not.
14 But we'll certainly undergo the proper process. I don't
15 believe that undergoing this process, and even getting
16 issues/permits necessarily triggered the need for an EIR, if
17 the agencies involved come up with mitigation measures,
18 for example, that they find would be suitable. Again, we
19 might be looking at a Negative Declaration. But that
20 would be the only issue we'd be looking at here. So I
21 don't think again we're issuing a stealth EIR because
22 we're trying to hide an issue. But we will again
23 welcome any comments that you have about water issues.

24 The parking lot. Again, we understand your
25 concerns about traffic. This is a project to be

CLARK REPORTING (510) 486-0700

1 compressed or to address overcrowding that currently
2 exists at the lab. This will not change our rate of
3 growth. This will not draw new employees to the Lab.
4 So the operational traffic that you might be concerned
5 about, and rightfully so, is not going to be a part of
6 this project.

7 As far as construction impacts, we're certainly
8 aware that regionally there are lots of construction
9 projects going on. We deliberately chose to build this
10 parking lot to help address several thousand truckloads
11 of soil in a positive way that would not require sending
12 those thousands of trucks through the city streets of
13 Berkeley to dispose of the soil. On the NEPA question,
14 in order to trigger a National Environmental Policy Act,
15 which is the federal equivalent of CEQA, one has to have
16 what's called a federal nexus. And in this case, we
17 don't have a federal nexus in that we have neither
18 federal funding as a part of this project nor do we have
19 a federal discretionary decision involved with the
20 Department of Energy. While we would be interacting
21 with federal agencies, that in itself wouldn't trigger a
22 NEPA because those are agencies that would take care of
23 any NEPA responsibilities that they have themselves.

24 As far as the LRDP question, it's a good question.
25 The question was why aren't we waiting until we have

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1 issued a new LRDP in order to do this project. This is
2 a timely project for us, and it fits within the existing
3 Long-Range Development Plan framework that we have now.
4 So there's no necessity to wait for a new LRDP. We have
5 updated the CEQA documents associated with the 1987
6 Long-Range Development Plan. And, again, if you have
7 specific concerns having gone through those documents,
8 please let us know during the scoping period and we can
9 address those.

10 And finally, I'm happy to tell you that we will
11 have a public hearing review meeting during the 45-day
12 public comment period for the draft EIR. And I think
13 that's all the questions.

14 MR. SHARP: I am a North Side neighbor.
15 Question. Do you have any models for this kind of
16 development elsewhere at LBNL or elsewhere on the UC
17 Berkeley site? Basically a private developer designs,
18 builds, owns, maintains and leases back a site.

19 MR. PHILLIBER: Jim, I'll be very happy to
20 turn this question over to David Tudor.

21 MR. TUDOR: The University of California has
22 been doing this for housing for some time. I don't know
23 whether they've been doing it in this area or not. I
24 know that they either have a waiver or just completed a
25 project like this at UC Irvine.

1 The Department of Energy has started doing this in
2 other places in the country. The Lab at Oakridge has
3 done this same sort of thing where we have a private
4 developer come in and build a building, own it, operate
5 it and lease it back to the occupants in the Lab.

6 So it's not a new concept. It's new for us. We
7 haven't done it. I'm not sure that anything would
8 happen at University of California at Berkeley, but
9 other UC systems. And we have the support of the
10 University of California Office of the President who's
11 been helping us with all of this.

12 MR. SHARP: Has a developer been selected
13 already, or is it to be an RFP down the line?

14 MR. TUDOR: We have issued an RFP, and we've
15 selected a developer. And we're in the process of
16 negotiating with him right now. We issued a public
17 request for qualifications some time ago. And we got
18 all of these in, and of that we did a short list and
19 requested RFP only from a short list, as I remember,
20 which was three developers --

21 MS. POWELL: Spell out what RFP means.

22 MR. TUDOR: Excuse me. Request for proposal.
23 Additionally, what we had was a request for
24 qualifications, what we call an RFQ. And it's just
25 describe the project. It's a public announcement so

1 anyone could respond to it. And then we received
2 proposals for the qualifications. We went through them
3 and selected, did a short list, a selection. And then
4 we sent out the Request for Proposal, which means that
5 particular building design which the successful
6 proposer's building was that we proposed here. We are
7 in the process of negotiating now.

8 MS. BERNARDI: What's the name of the
9 developer?

10 MR. TUDOR: OJO. It's a consortium of Overaa
11 Construction, which is a construction company based in
12 the East Bay with an office in Richmond. They've done a
13 lot of work at the University of California.

14 MS. BERNARDI: Can you spell it?

15 MR. TUDOR: It's O-v-e-r-a-a. Overaa
16 Construction. The other two members of the consortium
17 are Charles Jones, who is a private building owner and
18 maintainer that has operated and owned buildings and
19 leased buildings to LBL in the past.

20 And the other is a financial developer -- I think
21 it's EFC Corporation -- Charles Euwal, (PHONETIC) who is
22 a real estate developer. He owns buildings in Berkeley,
23 in this area, and also in the Bay Area. So it's a few
24 people. The joint venture to this project is called
25 OJO.

1 MR. VAN DUYVSEL: My name is Roger Van

2 Duyvsel. I live on the North Side. I have three
3 questions for you, sir. Thank you.

4 I am a little confused about the parking lot. You
5 were saying that there is basically no need to have no
6 more cars coming in because there are no more employees
7 coming in the building. My understanding is, well, you
8 want to build a parking lot because you want to get rid
9 of the dirt. But that's a little too cheap for me to
10 follow.

11 The second question I have is I would like to have
12 your opinion about something. I was involved in the
13 past several times in the CEQA-related issues in the
14 University, and a couple of times in the process and by
15 the end of the CEQA, finalizing that. A couple of
16 critical points came up in the process. And then I was
17 always very confused, and that's why I wanted to get
18 from you.

19 Then you were saying like, "Well, we don't have to
20 answer these questions because we've exempt from CEQA."
21 I don't understand that. I know you're running your own
22 laws, but I question your sincerity about how far you
23 want to go in the CEQA process. It's my understanding
24 in my experience you're saying, "We're exempt. We don't
25 have to answer this. We don't have to follow this."

34

CLARK REPORTING (510) 486-0700

1 Why not? And that's the opinion I want to hear
2 from you. Why not change the laws a little bit and say,

3 "We have to listen to the CEQA. We have to get through
4 a new process. We can't exempt ourselves from the CEQA
5 process in critical points." And also including why not
6 being part of CEQA laws and CEQA regulations and CEQA
7 ordinances? Then they are a part of the CEQA. I think
8 we share -- the City of Berkeley and the residents and
9 the citizens and the university -- share the same
10 physical landscape. We live together. We share too.
11 But you not allow the city to be part of the process as
12 equal partners in that respect. I'd like to have your
13 feedback.

14 And then No. 3 is related to that. In what level
15 is the City of Berkeley now involved in this process?
16 Thank you.

17 MR. PHILLIBER: Thank you for those questions.
18 The parking lot question is a particularly astute one.
19 And the question was why are we building additional
20 parking spaces when we say we're not bringing more
21 people up to the lab? It's a good question.

22 This idea of a parking lot has been around for
23 quite a while, the desire or the need to have this
24 particular parking lot in this general area. That's
25 because it would serve what we call Building 50 and

35

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1 Building 70 complexes. And Terry, would you point those
2 buildings out so people can see it?

3 This is the densest in terms of employment

4 population. This is the densest area of the Lab. It's
5 also probably by far the most underserved for parking.
6 So it's not to say that we have a parking shortage
7 sitewide. But we definitely do have a parking shortage
8 in this particular area.

9 We have a big site, and so we have a parking
10 shortage in one area and maybe not a parking shortage in
11 another areas. What we end up getting are people
12 driving to the Lab, they go to the parking lot of what
13 would be their choice, which would be right next to
14 where they work. They drive around looking for parking.
15 They don't find it there. They drive somewhere else
16 further out, and they don't find it there, and they keep
17 going further. They can actually end up driving about
18 as far as a mile on our site because of the way the
19 Lab's configured, looking for a parking space before
20 they find one. That's not to say they won't find them.
21 If they drive here, we've got parking for them. It's
22 just that it's inconvenient. It's environmentally
23 unfriendly. They spend a lot of time in their car. It
24 frustrates people. They get to work late, that sort of
25 thing. That's why having parking here, we want to put

36

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1 parking where the drivers are, essentially. So that's
2 our answer to your question as to why, again, we can add
3 more parking spaces but not see that as adding drivers.
4 Because again, this project is not going to grow our

5 population. We think the people who want to park in
6 the Lab currently can park. It's again, just not a
7 pleasant experience.

8 Your second question, if I characterize it
9 correctly, is that in your experience with other
10 agencies or other institutions, you've been frustrated
11 by CEQA, I guess, institutions that adhere to the letter
12 of CEQA and don't go any further beyond that in what
13 they provide to the public. Was that what you were
14 asking, as well as why -- I think there was a second
15 part of the question is why we don't adhere to
16 regulations and zoning imposed by the City of Berkeley.

17 MR. VAN DUYVSEL: If you've involved in CEQA
18 as a part of the democratic process, but then when it
19 comes to a certain point -- it's happened in the past in
20 one of your projects -- you exempt yourself from the
21 process. How sincere are you?

22 MR. PHILLIBER: We're very serious about doing
23 everything that's laid out and required in CEQA, which
24 again is California state law. And we will certainly
25 adhere to the best of our ability to the fullest extent

37

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1 of that law. Once you get beyond that, I think what you
2 have to do is send us a comment letter and tell us
3 specifically what you'd like Berkeley Lab to do that
4 goes beyond what's required. Otherwise, I can't
5 specifically address your question. Berkeley Lab

6 certainly does a lot of things that it's not required to
7 do by the law that we think are good relations and good
8 practices. I think you just need to help us by
9 identifying specifically what you'd like those to be.

10 MR. VAN DUYVSEL: It's already clear. You are
11 the State, and the State puts some laws on the books.
12 But you're saying you exempt yourself from the law
13 itself. This is ridiculous. Why not change the whole
14 process, like a real democratic process, that you can't
15 exempt yourself from your own laws? That's what
16 happened in the past. I want to change that. Do you
17 agree with that, or do you disagree to that?

18 MR. PHILLIBER: I don't quite understand the
19 question.

20 MR. VAN DUYVSEL: Well, maybe somebody else
21 can shorten it a little bit.

22 MS. THOMAS: I think he was talking about the
23 UC Regents approving the project. Is that sort of what
24 you're saying?

25 MR. VAN DUYVSEL: It's part of it.

38

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1 MS. THOMAS: It's a comment.

2 MR. PHILLIBER: Again, I think your quarrel is
3 probably with the State legislature and not with the
4 Berkeley Lab.

5 MR. VAN DUYVSEL: Okay, but there are
6 questions. At what level is the City of Berkeley

7 involved?

8 MR. PHILLIBER: Oh, yes. The Director of the
9 Facilities Division, Mr. George Reyes, who spoke first,
10 has met with Mayor Bates -- I'm not sure how many times
11 so far -- specifically to address that topic, to find
12 out how can we interact better with the city and better
13 with the community. And it's something that's of mutual
14 interest, I think at least with those two parties. And
15 we know that you're interested in that as well or you
16 wouldn't be here tonight.

17 We have sent numerous copies of the Notice of
18 Preparation to all levels of City agencies at Berkeley.
19 Again, we have a repository at the Berkeley Public
20 Library for all of our relevant documents to this
21 project. We have had some conversations, and we will be
22 having additional conversations with the City staff.

23 We have some City staff right here if you would
24 like to comment.

25 MS. PACHECO: I'm here on behalf of the City

39

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1 staff. I'm Mary Ann Pacheco and this is Grace Maguire.
2 We work with the City Manager's Office. And actually
3 there's been a fair amount of preparation on our part as
4 far as making sure our Planning Department and our
5 Senior Planning Staff are involved in reviewing the
6 project. They're based as a council item on the July
7 8th City Council agenda asking that we go into a more

8 deep review of this project because we do have an
9 Environmental Impact Report that's going to be issued.

10 We're also going to be making comments with respect
11 to the Draft EIR, and we'll also probably be having a
12 sort of coordination team set up in our office with a
13 lead person and have Planning staff and Legal working
14 with us on this. And I think that both the City Manager
15 and the Mayor for sure -- and Councilmember Dona Spring
16 has also talked with us about having a much more active
17 lead on coordinating with the community and with the Lab
18 on this one. So we're here to start our work on this.

19 MR. PHILLIBER: Thank you.

20 MR. METZGER: I'm Dean Metzger. I'm on the
21 Transportation Commission of the City of Berkeley; also
22 the president of Seeno (PHONETIC), our neighborhood
23 association.

24 And a couple of things. The transportation part of
25 this thing needs to be moved to the forefront. A couple

40

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1 of reasons for that. While you're going to be moving
2 all this dirt off this parking lot, what happens to all
3 the concrete steel that comes up first? What happens to
4 the infrastructure to those streets? Who is going to
5 pay for repaving and fixing those streets after the
6 construction is done? You guys have that as part of
7 what's going on here.

8 The other issue, of course, is traffic itself. You

9 probably have an opportunity here to help the city in
10 its congestion, if you will, by offering the people that
11 are not driving different ways of getting to the Lab
12 without using their cars. And that should be done as
13 well.

14 AC Transit, maybe you should give them passes for a
15 year, so that they can get used to riding AC Transit
16 and maybe not go back to their cars. But I think that
17 you really need to get interested in the transportation
18 part of it because the North Side now has been impounded
19 by the UC construction, all their projects going on, and
20 now you want all these things happening as well, and yet
21 nobody talks about the transportation issue, including
22 our City planners. They totally ignore the
23 transportation issues when all new projects come to
24 Berkeley. And we need to change that because we are
25 headed for gridlock, if we're not there already. At

41

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1 rush hour, we pretty much are.

2 But as the university grows, if we don't improve
3 the infrastructure of Berkeley, we're basically are
4 going to be gridlocked all day instead of at rush hour.
5 And so you really need to think about what you're doing
6 here to the infrastructure of the city. And all of us,
7 including yourselves, your employees are having a more
8 difficult time getting to work. Your shuttle buses
9 can't get in and out of the campus because we've got our

10 streets plugged up. And so we're just going to continue
11 on this merry go round of having more and more traffic
12 and more and more cars in Berkeley, and finding no
13 solutions for it.

14 So I urge you to switch this transportation to a
15 higher level so we can have a public discussion about it
16 and perhaps find some solutions to the problems that you
17 already present to us, and you're going to be presenting
18 more with more parking. Thank you.

19 MR. PHILLIBER: Thank you.

20 MR. PRICE: Hi. I'm Phil Price. I'm a member
21 of the Live Oak Coast Creek Neighborhood Association but
22 I'm also -- this is my tenth year at North Berkeley
23 Laboratory. Actually, it will be 11 years three months
24 from now. I'm in the Environmental Energy Technology
25 Division which was mentioned earlier as doing all this

42

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1 great stuff for energy and the environment, and in a way
2 I'm the public face of the Department in the last six
3 months to a year. I've given several TV interviews,
4 some radio interviews and stuff. I'll tell you why I
5 mention all that later. In other words, I'm not just
6 some schmoe who worked at the Lab for six months.

7 I went to one of the foundry meetings earlier and
8 had some questions and some minor objections to some
9 minor elements, but the people were saying, "Oh, the
10 foundry is bad." This is horrible. The parking lot,

11 specifically.

12 The building site is currently, as you know, a
13 growth of Coast Live Oaks, which is the only tree that's
14 protected by the City of Berkeley, so this would at
15 least need a variance if you were to build it in the
16 City of Berkeley. So this maybe comes into play with
17 what could you do to go above and beyond what you're
18 required to do.

19 One thing you could do, since really, the land at
20 the Lab is within the City of Berkeley, you can act as
21 though you're a City of Berkeley -- just like anybody
22 else, and follow the rules. And I don't think you would
23 be allowed to build this project. The building,
24 possibly.

25 The parking lot would fill in the creek. I commute

43

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1 by bike. In my younger days five years ago I used to
2 ride up and down. Now I take the shuttle up and I ride
3 down. But I know that's definitely a creek. I don't
4 care what you call it. "Oh, it's wet eight months a
5 year."

6 "No, it's nine." Whatever. It's a creek, and it's
7 a creek bordered by trees, and this project would fill
8 it in. It's also got Live Oaks in it. I saw some deer
9 grazing there. I like the deer at the Lab. It's a
10 benefit to me.

11 Visual impacts. I don't know if you have to count

12 them if they're not visual impacts to the public at
13 large, but certainly the parking lot would be a visual
14 impact to the cafeteria. You can stay there and look
15 out over what will be your parking lot, our parking lot.
16 When I go to the cafeteria, I'm not fond of the idea of
17 looking down on a parking lot rather than the trees that
18 are there now.

19 Also the idea, the suggestion that it wouldn't
20 increase traffic, you have to know that's not true.
21 Lots and lots of people take the shuttles because
22 parking is inconvenient at the Lab. People who are
23 visiting us -- we had some visitors and they knew from
24 having visited the Lab before, parking is really hard,
25 etc. "Oh, we might be able to get you parking passes."

44

CLARK REPORTING (510) 486-0700

1 They said, "No, that's okay. Why don't we meet for
2 lunch down in Berkeley, and we'll take the shuttle up to
3 the Lab." So that's what we did. So I can assure you,
4 there are people who would drive who do not now drive
5 because there's not adequate parking or not perceived to
6 be adequate parking. So the idea that there's not going
7 to be any parking problem, that is absolutely false.
8 Ditto for traffic.

9 The final thing is, just from workplace quality, I
10 don't know if that's something you're supposed to take
11 into account too, the effect on the workers, but I will
12 quit before the Lab builds that parking lot, which means

13 I better get my resume in order because it looks like
14 you're planning to start construction in Spring next
15 year. But the building I might be able to live with or
16 might not.

17 I think there are still some alternative sites you
18 should consider. But the parking lot is totally
19 appalling. It's totally wrong. The Lab should not be
20 allowed to build it. I hope that there's a legal way to
21 stop us, you, us, the Lab, from building it. No matter
22 how you slice it, "Oh, we'll replant trees," whatever,
23 you're burying a creek to build a parking lot. The
24 irony here is that in my division one of the little
25 projects people work on is how bad it is to replace

45

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1 riparian corridors -- or any kind of vegetation
2 actually -- with parking lots. The idea that we would
3 propose this is totally, totally awrong. It's
4 ridiculous. So I think that covers all of my -- yeah.
5 If I have anything else, I'll let you know.

6 MR. PHILLIBER: We appreciate your comments.
7 And again, we look forward to your comments in writing
8 as well if you care to do that.

9 MR. PRICE: I want to save my job, but I'm
10 going to stop that parking lot.

11 MR. PHILLIBER: You're a Berkeley Lab
12 employee. You're educated on these issues. You know
13 the site. This isn't the time for us to rebut perhaps

14 your characterization of the site, but I will tell you
15 we've hired and we'll have qualified certified
16 biologists, hydrologists, geologists, people who are
17 expert in these areas, including the resource agencies,
18 who will go out there. They'll make a determination. While
19 we appreciate your opinion, that this is a Coastal Live
20 Oak grove and that this is a creek versus an
21 intermittent drainage that occurs between some upland
22 pipes and lower pipes and this just happens to be an
23 area carrying water from one pipe to another --

24 MR. PRICE: There weren't pipes until we put
25 them in. We helped put them in. They were creek.

46

CLARK REPORTING (510) 486-0700

1 MR. PHILLIBER: Sure. So again we appreciate
2 and welcome your comments. We will have experts who
3 will tell us as well as the agencies whom you probably
4 trust more than you do us.

5 MR. PRICE: It might not be illegal. It's
6 just wrong.

7 MR. PHILLIBER: But I think the expert opinion
8 of the agency is something that sounded like it would
9 hold more sway with you, and that's what we will be
10 presenting in the Environmental Impact Report. So
11 again, we look forward to your comments during the
12 scoping period as well as to the analysis by the experts
13 and the governing agencies on these areas. Thank you.

14 MS. SIHVOLA: I just wanted to make a comment

15 about your last statement. This is the 1875 map of the
16 Strawberry Valley. And this shows the watershed as it
17 was at that time. This is a significant creek. It is
18 right here. The headwaters they go through all of the
19 construction and so on.

20 This is a historical creek. It exists. As you
21 know, creeks usually continue to flow in the same area
22 where they have done throughout the years. You have
23 done a lot of designation of this watershed during the
24 past 60-plus years. But this is truly a historical
25 creek. It has a name. It is called Cafeteria

47

CLARK REPORTING (510) 486-0700

1 Creek in all of the Laboratory documents.

2 So I have a question. This was a comment to
3 your -- or an explanation/comment to what you said in
4 response to his comment. The Berkeley Lab has a
5 Stormwater Pollution Prevention Plan, and indeed the
6 Cafeteria Creek is a creek in this plan.

7 There are four different watersheds on the area
8 where these two constructions are proposed fall into the
9 Stadium Hills watershed and the North Fork of Strawberry
10 Creek watershed, which is also known as the Blackberry
11 Creek watershed. And as we all know, the Chicken Creek
12 watershed and the other Strawberry Creek watershed, all
13 the tributaries drain to Strawberry Creek as does
14 Cafeteria Creek.

15 So it is a significant tributary to Strawberry

16 Creek, and I was absolutely appalled to see your map
17 without the creek in it. I couldn't imagine what in
18 hell you guys are doing. You can see the topography.
19 The creek is right there. The topography will show you
20 where the creek goes. It's blackened out. I mean, what
21 kind of planning are you doing?

22 Secondly, I want to really comment on the Comment
23 Period for this document. It's ending July 18th. This
24 is the July 4th weekend. That's why there are so few
25 people here. After July 4th weekend, there are only

48

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1 nine working days for anybody to comment on this
2 document. You cannot realistically reach anybody. And
3 I am asking that you absolutely extend the comment
4 period at least by 30 days so that the people who come
5 back from vacation after 4th of July will have time to
6 look at the document and comment.

7 So I think it is a reasonable request to at least
8 extend the comment period until mid-August, if not until
9 the end of August. This is ludicrous to have these
10 meetings and comment period nine working days, holiday,
11 middle of the holiday season. It's totally inadequate
12 and follows the Laboratory's historical practice which
13 we have been hoping will at some point change and
14 hopefully talking with the City, you will change this
15 practice because it does not serve the community.

16 Now, I have a question. I wanted to find out what

17 is the status of the Lawrence Berkeley Laboratory's
18 contract with the UC's -- well, UC's contract with the
19 Department of Energy. The old contract expired in
20 September of last year. For several months there was no
21 contract. Can you tell me if the contract has been
22 renewed or has it been extended? And what is the
23 current status of the contract?

24 The current administration is trying to get UC out
25 of managing all of the Department of Energy

49

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1 Laboratories, so I wanted to get a status on the
2 contract right now, and if there is a contract, what
3 kind and until when. When will it end?

4 And then my last question is, does the Lawrence
5 Berkeley National Laboratory have a watershed management
6 plan, and where can we get a copy? I would personally
7 like to have a copy of that plan. Thank you.

8 MR. PHILLIBER: I may have missed your first
9 question. You might have to repeat it. As far as the
10 status of the contract, I'm not really knowledgeable
11 about that.

12 MS. SIHVOLA: Can somebody here in the
13 audience answer?

14 MR. PRICE: I work there also, and I have no
15 idea.

16 MS. SIHVOLA: Do you know if it has been
17 renewed or extended?

18 MR. PRICE: I have no clue. I'm still getting
19 my paycheck.

20 MS. SIHVOLA: Okay. Here is the public
21 relations person. What's the status?

22 MS. POWELL: We'll get back to you on that.
23 We'll find out.

24 MR. PHILLIBER: You asked about Watershed
25 Management Plan. Again our site water specialist isn't

50

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1 here tonight.

2 MS. SIHVOLA: Who is it?

3 MR. PHILLIBER: Her name is Ginny Lackner.

4 MS. POWELL: We can find out. I don't know.
5 I have not heard of one. But again, I'll find out.

6 MS. SIHVOLA: I'd like to officially request a
7 copy of a Watershed Management Plan for the Lawrence
8 Berkeley National Laboratory. I think it's probably the
9 only national laboratory that is located in a
10 significant watershed. I think there was some other
11 questions, were they?

12 MR. PHILLIBER: Correct me if I am wrong. You
13 had some concerns about the identity of waters on the
14 map and concerns in general about the water bodies on
15 that site. And again, there's nothing I can
16 specifically answer here. That's why we're doing an
17 analysis, as I mentioned to Phil, and why we have
18 experts who are going to go in and characterize that for

19 us and tell us what exactly we're dealing with today as
20 opposed to 1875.

21 MR. PRICE: What about the extension? That's
22 one of her questions. The extent of the process?

23 MR. PHILLIBER: Oh, I'm sorry. That's right.
24 I can't make that decision here. It's not my decision
25 to make. I'm not rightfully sure who would make that

51

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1 decision at this point. But if you consider submitting
2 that question now, we will consider it and bring it to
3 the appropriate level where that decision can be made.

4 MR. VAN DUYVSEL: What is the appropriate
5 level? Who is it?

6 MR. PHILLIBER: I'm not exactly sure who would
7 make that decision. We'll go through our management
8 chain to see where that's --

9 MR. PRICE: For what it's worth, I'd like that
10 too. I'm about to go on vacation, although I can write
11 something up tomorrow, I'd rather --

12 MR. PHILLIBER: Sure. Give me your E-mail and
13 I'll make sure.

14 MS. THOMPSON: You offered to conduct a tour
15 up there, which I think many people would like to take
16 you up on. And I hope this will be done before July 18
17 in case the deadline is not extended.

18 Another thing I would suggest (since most of us
19 have no access to the site and have never seen the

20 creek, and it's a good thing that we were told about
21 this) is that you put up a photograph on the website, at
22 least one, for the benefit to the public who has no
23 access to the site, I mean to the geographical site.

24 MS. POWELL: Good idea.

25 MR. PHILLIBER: We'll also definitely have

52

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1 descriptive information in the Environmental Impact
2 Report. And again, if you have a specific request as to
3 what that descriptive information should include, again,
4 that would be a good thing to include in your comments
5 or in your scoping comment letter to us.

6 MR. LIMBACH: I'm a North Side resident. And
7 I'd just like to make first a comment that kind of ties
8 into this most recent discussion regarding the creek and
9 what Roger was talking about earlier, and I do have a
10 question.

11 You mentioned that you'll have experts, people who
12 can answer the questions that's been brought up
13 regarding the creek and the existence of the creek and
14 the Live Oak grove, etc. And based on collectively our
15 experience with this process in the past is you will
16 have those experts come in; they will make their
17 comments; they may very well say, "There's a significant
18 unmitigatable impact." What that does is it satisfies
19 the requirement, crossing the T's and dotting the I's in
20 the process, and you go ahead with it anyways. And

21 that's the frustration that we have had in the past and
22 that you might very well see with this project going
23 forward in your backyard. You might say, "Yep. It's a
24 creek. Yep. There's trees that are going to be
25 damaged. Sorry. We're going to go forward." That

53

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1 brings together what he said in I think in a clear-cut
2 example of the issue that's been raised.

3 The question I have is you stated several times
4 that this project is not going to increase the working
5 population at the lab. And I'm curious as to whether or
6 not the impact study, the EIR, is going to use that as
7 its base assumption for any of the impacts that are
8 studied on traffic, etc, or are they going to have -- is
9 that going to be a baseline? And then are they going to
10 study the upside, where, in all likelihood, as we know,
11 you're going to fill a vacuum. When it's available,
12 you're going to have more people in there. Are they
13 going to take into account an upside as to -- instead of
14 240, you're going to have 500 people?

15 MR. PHILLIBER: That's a good comment and a
16 good question. To address the question first, we will
17 definitely do a project-level analysis of
18 construction-related impacts because that's what will
19 definitely be a part of this project. We will have
20 trucks bringing in construction materials up to the
21 site, and that will need to be addressed in the

22 analysis.

23 CEQA requires that we analyze what is reasonably
24 foreseeable. To characterize the situation
25 post-project, if it were to occur -- it's used -- we

54

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1 won't have a vacuum by any means. This is only
2 addressing in a very small way the deficit of space we
3 have for our workers. And while I know Phil mentioned
4 that this issue is important enough to him that he would
5 quit working at the Lab, we have several times more
6 people who might not work here or might not come to the
7 Lab because they don't like the accommodation and space
8 that they have.

9 MR. PRICE: That's great.

10 MR. PHILLIBER: But I think that our point is
11 here that it won't be a vacuum. There's a definite need
12 for this. We don't want to go back or continue the
13 trend any further of providing inadequate space for the
14 folks here.

15 This building would specifically be for 240 people.
16 We're not going to compress this building. It's not even
17 part of our plans to do so. We would rather provide
18 space than to stick people in inadequate conditions. So
19 it's not reasonably foreseeable in the near future, or
20 even in the further term future, that this particular
21 project is going to change our rate of growth, or that
22 it's going to draw people to the Lab.

23 However, I think maybe what you're more interested
24 in is our long-range growth plans. That's a
25 programmatic question. It's something that we deal with

55

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1 in the Long-Range Development Plan and the accompanying
2 EIR. So it's something we will definitely be looking at
3 in the upcoming Long-Range Development Plan and EIR that
4 we'll be putting together. That's reasonably
5 foreseeable.

6 MR. LIMBACH: When is that expected to be
7 completed?

8 MR. PHILLIBER: I know I've stood before you
9 folks before and I've projected when that would be out.
10 I've been wrong. I'm going to tell you that we would
11 like to get that out, a draft Environmental Impact
12 Report, along with a new LRDP sometime ideally early
13 next year, but I can't even promise you that because
14 there's a lot of factors that are beyond my control and
15 our control in putting that together. That is the
16 appropriate document to deal with our growth.

17 We've dealt with it for this growth, and in our
18 current LRDP we will deal with future growth. There
19 will be a certain limit where we achieve a certain
20 limit, and then we've grown to the point that we analyze
21 in the previous EIR, and at that point we will
22 definitely need to have an LRDP before we can grow any
23 further. And so I think the concern that we might

24 have -- whether it's this project or some other series
25 of projects -- we might have long-term growth, is valid

56

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1 and it's true. We do project slow and steady growth in
2 the Notice of Preparation we put out a couple of years
3 ago for the upcoming LRDP EIR. We're not backing down
4 from that. That rate hasn't changed from this project,
5 whether or not we build this project or not.

6 So we will do traffic analysis for long-term growth
7 in a programmatic document. It's not reasonably
8 foreseeable in our view for this project. Again, this
9 project is to, again, decompress workers who are
10 currently doubled and tripled up in space; that it's
11 just unacceptable.

12 MS. BERNARDI: Where are the employees now
13 located who are going to be relocated at this building?
14 Could you tell us where they're located and what will
15 happen to the office sites that they now occupy?

16 MR. PHILLIBER: Virtually throughout the
17 entire Lab, we could point to places where workers are
18 compressed or overcrowded. The decisions have not been
19 made at this time specifically who is going to get to
20 move into this building, which programs from which
21 people.

22 MS. BERNARDI: Well, just name some areas
23 where you know there is overcrowding.

24 MR. PHILLIBER: Gosh, I can't tell you places

25 where --

57

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1 MS. BERNARDI: You plan this without having
2 any idea of where there's overcrowding?

3 MR. PHILLIBER: There is overcrowding
4 throughout the entire Lab. The Building 15/70 Complex is
5 a great example of areas where we have far too many
6 workers in a space right now.

7 And to get at the second part of your question, we
8 spoke about the word "vacuum" before and how that
9 doesn't apply here. We will not have, I can assure you,
10 a vacuum of people in unoccupied space where we can
11 build this project. We'll still be very underserved by
12 space.

13 MR. PRICE: I'd like to make a couple of
14 points on this. First of all, Building 88 is half
15 occupied by the 88 cyclotron. It's a very useful
16 piece of scientific equipment that was used for lots of
17 really key discoveries. It played a role in a Nobel
18 Prize or two up at the Lab. It's now contaminated, and
19 that portion of it has stopped funding. It isn't being
20 used anymore. And that's contaminated, low-level
21 contamination. It's unoccupied.

22 This very large building up here, the Bevetron
23 Building, Building 51, same deal. It was also a really
24 great machine of its time and we learned a lot from it,
25 but there is a ring of offices around the outside that

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1 is occupied. The rest of the building is unused and
2 unusable. And then there is another site up on what's
3 called the Old Town area, up here. There are some old
4 buildings on that that are sort of crying out for
5 replacement, but the Lab has decided not to build there
6 because of legacy volatile organic compound
7 contamination which makes that an inadequate building
8 site.

9 So basically, the Lab's policy, de facto policy,
10 which I know the Lab Director is not happy about, but
11 the de facto policy is since there is no support
12 available from the Department of Energy to remedy this
13 contamination is, "Well, we've contaminated this site;
14 we've contaminated this site; we've contaminated that
15 site, so let's find another area that's not contaminated
16 and build there and go from there." I think it's
17 totally appalling.

18 As for Building 90, which is overcrowded, there are
19 a bunch of people working in, I think it's six
20 supposedly temporary trailers out in front of Building
21 90, Building 90A, B, C, D, E, G, H, whatever, and those
22 are small one-story buildings. They are very
23 energy-inefficient and they're stripped. And people are
24 working there. And if the Lab needs more space, a great
25 thing to do would be to remove those trailers and build

1 a two-story office building there or even three --
2 although that would block my view -- but that's okay.
3 That's space that could be used.

4 My understanding is that the reason that kind of
5 thing isn't being pursued is that the Department of
6 Energy refused to pay for it. This is a way of sort of
7 suckering the Department of Energy in agreeing to pay
8 leases year by year because they're not willing to come
9 up with the money to actually build a building on site,
10 which there are places that could do it like where the
11 Building 90 trailers are. And there are other places
12 like that, a few small, old, one-story buildings here.

13 So I guess the way to turn this into a question is
14 that the CEQA requires an analysis of alternative sites.
15 I want to make sure that legitimate alternatives, such
16 as replacing Building 90 trailers or maybe building in a
17 eucalyptus grove somewhere rather than the Live Oak
18 Grove and not covering up the creek, some of those real
19 possibilities are examined, and it's not just a pro
20 forma, "Oh, we looked at an alternative off site in
21 Oakland and it's too far to drive, so we're not going to
22 do it." There are some places on site where office
23 space in this capacity could be provided. I want to
24 make sure those things are considered.

25 MR. PHILLIBER: I still don't think you turned

1 that into a question.

2 MR. PRICE: My question: What alternative
3 sites are going to be considered?

4 MR. PHILLIBER: The NOP has a nice list -- you
5 might pick one up on your way out -- of alternatives to
6 the project, both components of the project.

7 Just for the record -- and we appreciate Phil's
8 comments -- but we would like to say, for the record,
9 that Phil's opinions on the one hand are very educated
10 about the site; however, Phil is not part of our Site
11 Planning Group. Phil is not privy to, as far as I know,
12 the complex and well-studied issues that are undertaken
13 in order to determine what are the best sites.

14 We will welcome Phil's comments as to alternative
15 locations. He's identified a few. And again, seeing
16 those in writing would even be better. But we don't
17 want anyone to mistake Phil's comments as being --

18 MR. PRICE: I think they can tell I'm not
19 speaking for LBL.

20 MR. PHILLIBER: You are speaking on your own
21 behalf. And they're not necessarily informed opinions,
22 especially insofar as areas that you're not privy to.
23 And so I just want to be fair.

24 MR. PRICE: Since I had input in Bevetron and
25 Building 88, I know what I'm saying is true.

61

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1 MS. POWELL: Building 88 is still active.

2 They're funded through the end of the year.

3 MR. PRICE: Okay.

4 MR. SHARP: I wish Phil were part of your
5 group. And I know there is a lot of good solid citizens
6 up there who should be a part of your group. To my mind
7 as a neighbor, you have a mission, yes. But we also
8 have a mission of stewardship of the whole hill. And I
9 know you keep trying to push on the Department of Energy
10 to get money to help decontaminate and go forward on
11 that, and I'm solidly behind you on that, and I wish you
12 could pursue it even harder.

13 What annoys me, having had a little background in
14 planning, is the way these things go with the University
15 and with the Lab is you have a Long-Range Development
16 Plan somewhere back in time, and it begins to kind of
17 decay but you keep kind of building on it. We've
18 watched how the University had a long-range goal by
19 1990. And in that plan, they had 333,000 net gross
20 square feet of things to build up to 2005. Well, we got
21 up to 2002, or 2001, and they said, "Whoops. Not enough
22 space. We need more headroom." So now there's 325,000
23 gross square feet of space, net space, that was created
24 with the northeast quadrant.

25 I see the same thing happening here, where you

62

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1 haven't yet gotten together the resources to go forward
2 and do a proper planning. You haven't really looked --

3 if you had cleaned up sites Bevetron and Cyclotron and
4 HLAC or whatever it is -- ILAC -- that's a lot of space.
5 I would like to be able to visualize how that plays into
6 your current state's growth state.

7 But this is very difficult for me to see what's
8 going on, other than, "Hey. Let's go with a developer.
9 We don't have to bother Department of Energy. Let's go
10 with this now. And let's use a simple idea. Let's just
11 move it over and cover up the creek."

12 What happens if you get severe resistance, say, or
13 a bad reaction from Core of Engineers, Fish and Game,
14 Water Regional Quality Board, would you unbundle that
15 project and just go with the building? And is that
16 being considered? And then say, "Okay. We'll try it
17 out." That will be considered in this, I presume
18 somehow.

19 MR. PHILLIBER: We'll look at that as an
20 alternative. Jim's question, I believe, at the end of
21 his comment was if we were to not get a permit, and if
22 we were required to get a permit to build a parking lot
23 portion of this project, would we go ahead with the
24 building? Is that fair?

25 We look at that as an alternative. We sort of

63

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1 separate the two.

2 MR. SHARP: It increases the cost, I think,
3 right?

4 MR. PHILLIBER: I can't speak to the cost of
5 the thing, but what it would do is send several thousand
6 trucks full of dirt through the streets of Berkeley.
7 That's something that we really want to avoid.

8 MS. BERNARDI: That's happening anyway.

9 MR. PHILLIBER: It may be happening, but it's
10 not right now happening from Berkeley Lab, and that's
11 the way we'd like to keep it, if we can.

12 Something else Dave Tudor mentioned that there were
13 two phases on the parking lot project, the second phase
14 being an optional phase, and that would be to add more
15 soil to the site, which wouldn't increase the footprint
16 of the fill. There wouldn't be an impact that way from
17 the second phase. It would basically fill it up a
18 little higher, create a bigger plateau and allow more
19 parking. What would be nice about that, and the reason
20 we put that in, is because we don't foresee a specific
21 project that would provide that soil this time.
22 However, in the near future, if such a project did come
23 about, again, we want to use this site for soil disposal
24 against sending thousands of trucks through the city of
25 Berkeley. As you mentioned, that's a big problem right

64

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1 now with the City and with the infrastructure in the
2 streets. It's sending these trucks.

3 And so there's a lot of trade offs. All I can say
4 about that -- and I can't really address it

5 specifically -- but just say -- and this goes for Phil
6 and everyone, as well as you, Jim -- that there are no
7 easy sites. If there were easy solutions, we promise we
8 would have done it a long time ago. There's lots of
9 factors that go into siting. Most of them go over my
10 head. I just deal with the sites that we finally
11 arrived upon. We try to choose the best site. We try
12 to weigh all sorts of factors. Legacy use issues are
13 one factor. Cost. Who will fund. All of these things
14 play into this. And all I can tell you is we have a
15 great need for this space, and so we're looking for the
16 most optimal solution to that.

17 MR. PRICE: Are you saying all other sites for
18 the future are going to be worse than this parking lot?

19 MR. PHILLIBER: I'm not saying that. It
20 depends on what factors you want to weigh. But this is
21 the best solution we can come up with. That's a more
22 philosophical discussion, I'm sure, what the various
23 values are and what the actual impacts would be; a
24 discussion we'll better be able to have once the experts
25 have gone through and told us what the exact impacts

65

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1 that we'd be looking at through this project would be.

2 MR. METZGER: The construction of the new
3 hospital about 20 years ago -- I lived on Prince Street.
4 We had all these big trucks hauling all this concrete
5 and steel, and it collapsed the sewer system on Prince

6 Street at the time. The City of Berkeley paid for
7 that. What happens if this happens on Hearst Street or
8 other streets in Berkeley when we collapse the sewer
9 system? Does the City still have to end up paying for
10 it, or is LDL going to come up with the money to fix it?

11 MR. PHILLIBER: I don't know the answer to
12 that question, but perhaps --

13 MS. PACHECO: Well, I think that the City
14 would try to put together some sort of mitigation
15 against that so that the Lab covers the cost of
16 unforeseen accidents, you know, problems with
17 infrastructure.

18 MR. METZGER: But what does the City have in
19 its basket of things to make sure that the Lab would do
20 that? I haven't seen the City use much --

21 MR. PRICE: We could write a very stern
22 letter.

23 MS. PACHECO: You could write a letter. We
24 are actually exploring all sorts of interesting ways to
25 better coordinate with the Lab. I think actually we may

66

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1 have some maybe a more defined presence in this next
2 couple of years with respect to long-range development
3 planning both with the Lab and the UC Berkeley campus.
4 The City Council expects no less.

5 And I think actually another thing -- not to tip
6 our hand to the Lab or anything -- but we have a fairly

7 united City Council now; whereas before there was some,
8 I think, serious maybe behind-the-scenes issues that we
9 were dealing with. So I think there may be a little
10 more consensus from the community than we've had before.
11 I don't know what legal enforcement issues will come to
12 bear in that, but we're definitely looking at them more
13 closely than we have in the past.

14 MR. METZGER: But I guess my point is I
15 believe the City and the Lab ought to have an agreement
16 before this project goes forward so that the contingency
17 is covered. Otherwise, what difference does it make?

18 MS. POWELL: That's actually a very good
19 point.

20 MR. PHILLIBER: I don't know how to
21 specifically -- there may be agreements in place that I
22 certainly wouldn't know about. A good comment again. A
23 good thing to include in your comment letter.

24 MS. THOMAS: I'm scrutinizing or trying to
25 figure out why this project isn't included in the LRDP.

67

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1 I was going through some of my Lab filing boxes and
2 found -- I think it was Letters of Preparation for the
3 LRDP 2002 which was issued in 2000.

4 MR. PHILLIBER: In November of 2000.

5 MS. THOMAS: Yeah. This is July of 2003. So
6 one of the questions I have is has the other study been
7 issued on this LRDP? That's one question.

8 And also I'm wondering, since this is tiered off of
9 the 1987 LRDP as amended, I'm wondering about the
10 projections of the administrative population. Was the
11 population projection analyzed in that level of detail
12 so that it's an administrative population density and
13 not just other types of population density? And if so,
14 how does administrative population density compare now
15 with what was projected?

16 Also, I was recently down Addison Street, and I was
17 headed towards what I thought was Merrill Lynch, and
18 instead when I walked in, I saw Berkeley Lab. I don't
19 know if this is some other research facility.

20 MR. PHILLIBER: I'm sorry. Where were you?

21 MS. THOMAS: I was on the corner of Addison
22 and Milvia where Merrill Lynch used to be. And there
23 was your offices there, and there was a sign that
24 described itself as Berkeley Lab. And so I'm wondering,
25 one, if that's Lawrence Berkeley National Laboratory,

68

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1 one. And then two, where are you all located? And I
2 would appreciate that knowledge being incorporated into
3 the background material for the EIR since you are
4 talking about office space and office growth. Where
5 have you grown to?

6 Also, you showed some maps in the handout and also
7 there, (indicating) some wonderful maps. I've looked at
8 the 1987 LRDP, the 1992 LRDP, the 1997 As-Amended LRDP.

9 I've seen so many EIRs from this Laboratory, it's really
10 just about ruined my life, and I'm not exaggerating.

11 And one of my main concerns that I've stated
12 repeatedly over and over again, and it's never been
13 really taken heed -- unless you're totally litigious and
14 you just can't let it go all the time, so you let it go.

15 But there aren't these project details about the
16 location. So we've included these maps here for this
17 group, and I'll wondering will these maps also be
18 included in the EIR? I have often wondered whether or
19 not the Regeants who approve this thing comprehend the
20 site.

21 MR. PHILLIBER: You're talking about sites
22 that we're showing tonight in the Notice of Preparation?

23 MS. THOMAS: Yes. Will this building and this
24 parking lot EIR have these maps that in fact do finally
25 tell the picture? There are not comprehensive, but at

69

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1 least with respect to this location as opposed to being
2 so impossibly vague as to be meaningless.

3 MR. PHILLIBER: Let me try to answer all your
4 questions in order. Your first question was about an
5 initial study for the upcoming LRDP EIR. And I probably
6 again shouldn't stray too much into that territory, but
7 it has come up and is relevant to this project.

8 I'll remind you that the NOP that you received in
9 2000 did have an initial study in it as an attachment.

10 MS. THOMAS: Oh, so it's really old.

11 MR. PHILLIBER: It is. We are looking at that
12 issue right now as far as what we want to do for the
13 upcoming EIR. So that's again something you can always
14 contact us with your suggestions and your concerns; not
15 so much for this project but for that upcoming project.
16 We always appreciate hearing from you.

17 As far as how the 1987 LRDP EIR dealt with
18 administrative population density, I don't believe we
19 did -- it's not particularly relevant to the analysis in
20 any way that I can see, but perhaps again the comment
21 from you pointing out the relevance of breaking out
22 population that way, you would appreciate seeing that.
23 I can tell you that administrative personnel actually is
24 probably less impacting as far as space and that sort of
25 thing than say laboratory workers because they're not

70

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1 doing research. They're much more compressed. They
2 take a lot less space for an individual and they
3 probably use a lot less resources and that sort of thing
4 per person. So I can't tell you what the administrative
5 trend is, but I can tell you that I'm not sure what the
6 case would be --

7 MS. THOMAS: Question for clarification. So
8 office doesn't mean administrators? The population in
9 this office building is not administrative?

10 MR. PHILLIBER: It's office workers. It will

11 be administrative and office uses. So we don't know
12 exactly who will go in. Certainly there will be quote,
13 unquote, admin staff and support staff, and that sort of
14 thing. There may also be researchers, but they will not
15 do any sort of laboratory research in this building.
16 This could be a place where some researchers could have
17 an office where they keep their books and keep their
18 computer. So I don't know if that helps on that
19 question.

20 On the question of off-site space, the Lab does
21 have off-site leased space. We've identified that in
22 our 1987 LRDP EIR. I believe it's updated, I believe in
23 the amended documents in the supplemental EIR. And it
24 changes. Not drastically, but it does change. We go
25 through the appropriate CEQA and NEPA processes when we

71

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1 do lease space. Just so you know, it's a specific part
2 of this project that we would not decompress from an
3 off-site lease space to this building, either directly
4 or indirectly. I think that's a valid concern, and we
5 specifically won't be doing that.

6 As far as maps in the EIR, yes. We hope to
7 continually improve our graphics as we go on. And I
8 will agree with you that our graphics haven't been the
9 greatest in the past. And it's something that we're
10 definitely working on improving, including maps and that
11 sort of thing.

12 MS. THOMAS: As an alternative, I would like
13 to concur about the decentralized parking. I think
14 decentralized parking is actually far more ecologically
15 sensitive, progressive, and forward thinking, kind of
16 like the Lab, as a research institute. And you know,
17 assignments of parking spaces -- I'm sure that a space
18 politician, group, committee looked at who parks where
19 and how. But it's hard for me to understand why this
20 lot would be essential. So I do hope alternatives will
21 be considered.

22 Also, I wondered why you didn't speak at the City
23 Council's presentation on the foundry. Instead Miss
24 Powell did. Because you are the environmental
25 coordinator and it's very clear you do know CEQA and

72

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1 none of the other parties were. And I didn't ask the
2 question.

3 MR. PHILLIBER: I'm trying to think what I was
4 doing that night. All I can tell you is I'm here
5 tonight. I don't why I didn't speak at that particular
6 event.

7 MS. THOMAS: And then finally, there's also --
8 you mentioned having experts render their opinion. And
9 with respect to the noise analysis and the noise
10 experts, I remember as an undergraduate even, advanced
11 statistics adequate sample was 10 as opposed to 3. And
12 that we have hill terrains and flat terrains, so 3 is

13 inadequate. And of those three, one was taken on a flat
14 site as opposed to my house and the other houses that
15 are built in so that the sound bounces off of our yards.

16 So these expert opinions, it leaves us with the
17 option of hiring experts. That's really the only thing
18 that seems that ever matters, is one, hiring the experts
19 and then suing them. But short of that, it really never
20 seems to matter.

21 MR. PHILLIBER: We would welcome any reference
22 material you have that describes how best to do a noise
23 analysis. I'm not aware of anything that says 10 is a
24 representative sample. But if you have it, we would
25 welcome it.

73

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1 MS. THOMAS: It's common knowledge.

2 MR. PHILLIBER: I'm not an expert in that
3 area.

4 MS. SIHVOLA: I wanted to comment again
5 regarding the inadequacy of the graphic presentation, a
6 very important fact. I'm really sort of appalled by the
7 fact that you have a document that you want public to
8 comment and you have not even represented the very fact
9 that these proposed building -- this is Building 88.
10 This is Building 50/70. This is the Hayward Fault. And
11 this is the Alquist Priolo Study Zone, which is a very
12 specific area. And if you can, you are not really
13 supposed to do building construction on it if you really

14 give a damn about this natural occurrences that will
15 eventually keep all of us here.

16 So I would like you to include a very specific map
17 of the Alquist Priolo Study Zone and the Hayward Fault.
18 And as you may be aware, the California Geological
19 Survey just published the Earthquake-Induced Hazard Map
20 in February of 2003 which indicates that the specific
21 hillside is smack in the middle of a Landslide Hazard
22 Zone.

23 I can't imagine what in hell is going on in your
24 heads, putting a building in this kind of a site. Why
25 not really get together with community and do a

74

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1 thorough, responsible cleanup of those sites that are
2 flat, that already have construction, clean them up, and
3 then do the construction there? I find the documents we
4 have this far so totally inadequate. How are people
5 going to be able to address these important issues when
6 you have completely left them out?

7 MR. PHILLIBER: Thank you for that comment. I
8 would like to correct the questioner and point out on
9 Page 9 of the Notice of Preparation we clearly state
10 that both the building and the parking lot would be
11 constructed on slope sites within the Alquist Priolo Zone
12 area.

13 MS. SIHVOLA: Do you have a map so the people
14 can really understand what it means? You have the

15 Building 88 smack in the middle of it. I think once
16 it's been cleaned up and being constructed, you should
17 not build on that site because it's right smack next to
18 the fault. But I think looking at Building 90, well,
19 it's little bit outside but this is definitely worth
20 considering.

21 But the main point is to clean up the Bevetron site
22 -- it's the central site -- and do some comprehensive
23 planning, long-term planning in that area.

24 MR. PHILLIBER: Thank you. We'll welcome your
25 comments to that effect.

75

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1 MS. THOMPSON: Does the lease agreement, the
2 lease contract with the developer, include the proposed
3 parking lot site?

4 MR. TUDOR: Well, the lease negotiations isn't
5 completed at the moment. Currently, the contractor will
6 perform the excavation and haul it to the parking lot,
7 and there will be Engineering and Design there, and they
8 will compact the earth. So essentially, yes.

9 MS. THOMPSON: But they will not be leasing
10 that land?

11 MR. TUDOR: No. But it would be part of a
12 building program, just haul the dirt over the Lab.

13 MR. VAN DUYVSEL: A general question related,
14 of course, to your new project, and I'd like to go back
15 to the parking lot. It seems to me that the policy of

16 UC Berkeley and the Lab over so many decades was, "Well,
17 we building a building. With that, we're going to build
18 a garage too because we need our lab people. They need
19 to come with their car and park their car."

20 What is basically your policy right now? Seeing
21 that Berkeley is already overcrowded with cars and
22 there's a gridlock in several streets around UC
23 Berkeley, on the north side, south side, everywhere,
24 basically, is there an understanding that you have to
25 change your policy? Like let's think more in

76

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1 alternative ways to find some other ways, alternative
2 ways of transportation to get all those people in and
3 out of Berkeley.

4 I don't understand why you're going right away to
5 the higher-ups to build this garage. What if it doesn't
6 work? You know that. So can you explain a little bit
7 about the philosophy of what's behind, you know --

8 MR. PHILLIBER: Sure thing. Our philosophy on
9 growth is described in our 1987 Long-Range Development
10 Plan. It sounds like your concerns are probably
11 pertinent to our planning for our new Long-Range
12 Development Plan. So again, you're always free to send
13 your comments to us, to engage us in a dialogue about
14 your concerns about growth and your suggestions for how
15 we can grow differently or change our policies in
16 regards to --

17 MR. VAN DUYVSEL: Well, that's already done.
18 A lot of residents and people in the past make a
19 contribution in that process you've described, but
20 always we've stumbled; we come to a gridlock. And by
21 the end, what it is you're building more parking
22 garages. There's another level coming up. Pretty soon,
23 more buses, more cars. Without notice to the community,
24 you're building new sites to put cars.
25 I remember the time when I lived in Berkeley around

77

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1 the stadium, there were no cars. Now it's a parking
2 lot. It's an industrial environment. So now you see
3 cars parked in the stadium. It's unbelievable. Not
4 only on the lower level, but on the top level. Maybe as
5 an idea for you, instead of building more garages,
6 driving all the cars into the field so that will cover
7 that maybe. It doesn't make any sense. It's harmful
8 for the environment. It's harmful for everybody. Can
9 you come up with something different that works for
10 everybody? I don't understand. You're the best
11 institution in the world, and you come up with basic
12 things you can't get.

13 MR. PRICE: I think you're not distinguishing
14 between the University and the Lab.

15 MR. VAN DUYVSEL: Well, it's the University
16 and the Lab.

17 MS. BLUM: What I would really like is for the

18 concerned citizens and the City Of Berkeley and the
19 Laboratory to unite around pressuring the Department of
20 Energy to clean up these sites. I mean that's where we
21 should put our energy, you know. We should be figuring
22 out an LRDP that works. We should be problem solving.
23 Now the LRDP has been in the works for three years.
24 Here are these people in this room that are so
25 incredibly impacted and we don't know anything about it?

78

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1 LRDP at UC Berkeley, they've already had a scoping.
2 They've already included us. I don't know anything
3 about the LRDP.

4 There's just this whole lack of vision. There's no
5 vision. I think that's what's deeply frustrating. And
6 so in our own little ways, we're going to plug along and
7 we're going to try to leverage so that a big picture can
8 eventually take place. So there are big-picture
9 possibilities where laboratory work can take place and
10 citizens won't have gridlock and our creeks won't be
11 ruined and we can have a bay. Those things are
12 possible.

13 But this little piecemeal approach doesn't cut it.
14 It's just deeply saddening and disappointing. Thank you
15 though for at least having this meeting. It is just a
16 minor tragedy that this wasn't the norm and that this is
17 an exception.

18 MR. PHILLIBER: Thank you. It looks like we

19 have about 10 minutes. Are there any other questions?

20 MS. THOMPSON: Do you have any idea when you
21 might conduct your tour?

22 MS. POWELL: No. I thought I'd meet with
23 people who are interested in the back of the room. If
24 you'd like this before the 18th, that's fine with me.
25 I'd prefer that we do it during the week because I have

79

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1 someone coming in from out of town.

2 And I would caution you that we will stay on the
3 road. We're concerned for people's safety, and if we go
4 off the road, some people have fallen. So we are
5 careful about that. So stay to the walkway. A driveway
6 that I believe is just below Building 70A. I haven't
7 been out there, but presumably we would invite the
8 Project Team people who have been discussing with you
9 tonight, the Projects Manager and the Environmental
10 Planning Group coordinator.

11 What is your preference? Would an early evening,
12 late afternoon? Most of us work. I don't want to
13 impose on people who are working during the day. If we
14 did a late afternoon, 4:30, something like that, would
15 that work for some of you?

16 Have all of you signed up on the sheet? I don't
17 know if all of you have E-mail. I'll call those who
18 don't, but I'd be pleased to circulate an E-mail with a
19 time. And most days are available. Jeff has a long

20 commute, and I don't want to impose upon him. Could you
21 handle that? And Dave?

22 MR. TUDOR: For when?

23 MS. POWELL: Well, today is the 30th of June.
24 We have 18 days. Can we plan it in the next 18 days?
25 Let's go back. What about Thursday before that Monday?

80

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1 That would be the 10th. I'm on vacation.

2 (Audience discussion.)

3 With the exception of Janice, who isn't available?
4 Are others of you available next Monday? Is next Monday
5 possible for people? So let's aim for 4:30 next Monday
6 the 7th.

7 So if we could get E-mails and those of you who
8 don't have E-mail, we'll make some calls. There is a
9 sign-up sheet in the back of the room. Please make sure
10 you are on the sign-up sheet with E-mail or phone
11 number. Either is fine. And we will contact, starting
12 tomorrow, those of you who have attended this meeting
13 and find out whether you're interested in coming on a
14 tour. You're all invited. Feel free to join us. We'll
15 start next Monday at 4:30.

16 Are there any other questions or comments?

17 (The meeting adjourned at 8:55 p.m.)

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1 REPORTER'S CERTIFICATE

2

3 I, JUDITH L. LARRABEE, a Hearing Shorthand Reporter
4 in the State of California, duly authorized to
5 administer oaths, hereby certify:

6

7 That I am a disinterested person herein; that
8 the foregoing scoping meeting was reported by me in
9 shorthand, and thereafter transcribed by means of
10 computer-aided transcription.

11

12 I further certify that I am not of counsel or
13 attorney for any of the parties to said scoping meeting,
14 nor in any way interested in the outcome of said
15 scoping meeting.

16

17 IN WITNESS WHEREOF, I have thereunto set my hand
18 on this 28th day of July, 2003.

19

20

21

Judith L. Larrabee, Shorthand Reporter

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